

IN THE UNITED STATES DISTRICT COURT FOR THE  
~~WESTERN DISTRICT OF MISSOURI~~

DISTRICT OF CHARLESTON W.V.

CHARLES SEROME JORDAN )  
 (full name) (Register No.) )

70023-007

Plaintiff(s).

Case No. 2:16-cv-01365  
835680-A1

v.

FEDERAL BUREAU OF PRISON

(Full name)

A. MORE MS. LANELY

MS. WILSON

Defendant(s):

Defendants are sued in their (check one):

☐

Individual Capacity

☐

Official Capacity

☒

Both

**FILED**

8 2016

TERESA L. DEPPNER, CLERK  
 U.S. District Court  
 Southern District of West Virginia

**COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983**

I. Place of present confinement of plaintiff(s): F.C.I. HAZELTON

II. Parties to this civil action:

Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff CHARLES JORDAN Register No. 70023-007

Address F.C.I. HAZELTON P.O. Box 5000

BRUCESTON MILLS, W.V. 26525

B. Defendant MS. WILSON, MR. MORE, A.W. LANELY,

FEDERAL BUREAU OF PRISON

Is employed as MS. WILSON / COUNSELOR, MR. MORE / UNIT MANAGER,

MS. LANELY / ASSISTANT WARDEN

For additional plaintiffs or defendants, provide above information in same format on a separate page.

III. Do your claims involve medical treatment?

Yes ☐ No ☒

IV. Do you request a jury trial?

Yes ☒ No ☐

V. Do you request money damages?

Yes ☒ No ☐

State the amount claimed?

\$ ☒ / ☐ (actual/punitive) \$450,000

VI. Are the wrongs alleged in your complaint continuing to occur? Yes ☐ No ☒

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes ☒ No ☐

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

Yes ☒ No ☐

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

A BP-9 WAS FILED TWICE ON THIS CLAIM. ONE BACK IN JUNE. IT DISAPPEARED. THE OTHER WAS FILED 9/11/15 AND WAS MARKED SENSITIVE. A BP-10 WAS FILED ON 11-2-15, I WAS SPUN AROUND. A BP-11 WAS FILED ON 12/3/15 AND WAS SPUN AGAIN. SEE ATTACHMENTS. EXHIBITS A-F

D. If you have not filed a grievance, state the reasons.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case?

Yes ☐ No ☒

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated?

Yes ☐ No ☒

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: \_\_\_\_\_  
(Plaintiff) (Defendant)

(2) Date filed: \_\_\_\_\_

(3) Court where filed: \_\_\_\_\_

(4) Case Number and citation: \_\_\_\_\_

(5) Basic claim made: \_\_\_\_\_

(6) Date of disposition: \_\_\_\_\_

(7) Disposition: \_\_\_\_\_

(Pending) (on appeal) (resolved)

(8) If resolved, state whether for: \_\_\_\_\_

(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

## IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

IN JUNE, I FILED A BP-8 AND BP-9 AGAINST MS. WILSON FOR HARASSMENT AND ABUSE OF AUTHORITY. I TURNED THE BP-9 INTO MR. FAHEY. MR. MOORE CONFIRMED THAT HE RECEIVED THE BP-8 AND BP-9. THE BP-8 AND BP-9 DISAPPEARED. MS. WILSON BECAME CONSPICUOUS WITH HER RETALIATION AGAINST ME FOR FILING THE BP-8 AND BP-9 AGAINST HER. I'VE BEEN HARASSED AND ABUSED FOR 7 MONTHS. IT WENT AS FAR AS SOMEBODY IN MY UNIT TEAM ERASING MY FATHER OFF OF MY VISITING LIST RIGHT BEFORE HE CAME TO SEE ME. FOR SEVEN MONTHS I WAS DENIED PAPER TO RESTART MY GRIEVANCE. (PLEASE SEE ATTACHMENT)

- B. State briefly your legal theory or cite appropriate authority:

VIOLATIONS OF MY 1ST, 5TH AND 14TH AMENDMENT / NUNEZ V. DUNCAN, 591 F.3d 1217 (4th Cir. 2010) / Young v. Good, No. 04-407, 2008 U.S. Dist. LEXIS 89179, 2008 WL 4816474 at 3 (W.D. Pa. Nov. 4, 2008) / SAPP V. KIMBRELL, 623 F.3d 813, 823 (4th Cir. 2010) / MILHOUSE V. CARLSON, 652 F.2d 371, 374 (3d Cir. 1981) / CRAWFORD-EL V. BRITTON, 523 U.S. 574, 588 n. 10, 140 L.Ed. 2d 759, 118 S.Ct. 1584 (1998). / WOLFF V. McDONALD, 418 U.S. 539, 579, 41 L.Ed. 2d 935, 94 S.Ct. 2963 (1974) / ALLAN V. SEEVERLING, 729 F.3d 200, 224-25 (3d Cir. 2000) / THADDEUS-X V. BLATTER, 175 F.3d 378, 386 (6th Cir. 1999). PLEASE SEE ATTACHMENT AND EXHIBITS.



- X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

I WANT THE COURTS TO FINE THE F.B.I. AND ITS STAFF  
AND I BE PAID \$450,000 IN MONETARY DAMAGES AND I ASK FOR  
EACH OFFICER'S BOND COVERING THEIR PERFORMANCE AND PROHIBITIONS OF CONSTITUTIONAL  
GUARANTEES PURSUANT TO ARTICLE ONE OF THE UNITED STATES CONSTITUTION REDRESS OF  
XI. Counsel: GRIEVANCES...

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. \_\_\_\_\_

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes ☐ No ☒

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Have you previously had a lawyer representing you in a civil action in this court? Yes ☐ No ☒

If your answer is "Yes," state the name and address of the lawyer.

\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 3rd day of FEBRUARY 2016.

Charles Jordan  
Signature(s) of Plaintiff(s)

\_\_\_\_\_  
\_\_\_\_\_

ATTACHMENT

U.S. DISTRICT COURT  
DISTRICT OF CHARLESTON W.V.

CHARLES JORDAN 70023-007  
Petitioner

V.

F.B.O.P.  
FCI HAZELTON/FBOP STAFF

case No: 835680-A1

counselor/ Ms. Wilson  
unit manager/ Mr. Mori  
warden/ A.W. Lanely

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. 1983

Now comes, petitioner Charles Jordan pro se, respectfully requesting for this honorable court to appoint counsel to represent petitioner in the filing of this civil rights lawsuit against F.B.O.P. staff members, Ms. Wilson, Mr. Mori and A.W. Lanely for harassment, denial of my constitutional Rights and retaliation for the exercise of seminal rights.

This motion is being made in good faith for the following reasons:

It is petitioner's belief that in order to exhaust available Administrative Remedies, a prisoner is required to proceed through four levels of appeal.

Petitioner begun his grievance process on 9/11/15...see exhibit A... When he filed a BP-9... On 9/16/15, petitioner received a response from the Warden's office... see Exhibit B..

On 11/02/15, petitioner filed a BP-10 to the region's office... see exhibit C, which petitioner received a response dated 11/10/15, see exhibit D..

The region stated that the issue was not sensitive and petitioner failed to file a BP-9.... which is false.

Unssatisfied with the results, petitioner moved on to file a BP-11 on 12/03/15. see exhibit E... On 1/11/16, petitioner received a response to his BP-11. see exhibit F.

Petitioner respectfully ask the courts to look at exhibits carefully. The response to the BP-9 is incomplete, therefore, the whole grievance process has been unavailable to petitioner.



Case 2:16-cv-01365 Document 1 Filed 02/08/16 Page 7 of 8 PageID #: 7  
According to the Prison Litigation Reform Act (PLRA) requires that an inmate exhaust only those administrative remedies "as are available". 42 U.S.C.S 1997e (a). The PLRA therefore does not require exhaustion when circumstances render administrative remedies "effectively unavailable". see Nunez v. Duncan, 591 f.3d 1217, 1226 (9th Cir. 2010). also, Young v. Good, No. 04-407, 2008 U.S. Dist. LEXIS 89179, 2008 WL 4816474 at at 3 (W.D.Pa. Nov. 4, 2008).

Petitioner argues that he has provided evidence that there is something in his case that made the existing and generally available administrative remedies effectively unavailable to him. For example, prison officials can render administrative remedies effectively unavailable by improperly screening out inmate grievance. see Sapp v. Kimbrell, 623 f.3d 813, 823 (9th Cir. 2010).

For the above mentioned reasons petitioner respectfully ask that this honorable court to address the following:

Petitioner petition to this court in an attempt to protect his Constitutional Rights... It is petitioner's belief that he is entitled to petition to the courts as of right. Back in June, 2015, petitioner filed a BP-8 and Bp-9 against counsel Ms. Wilson for harassment and abuse of authority. Petitioner gave the BP-9 to case manager Mr. Fahey. Mr. Mori, whom was the unit's manager at the time, informed petitioner that he received the BP-9.. The BP-8 and Bp-9 disappeared. I attempted to start mt grievance to the courts and Mr. Mori interfered with my petition by hinderance. see, Milhouse v. Carlson, 652 f.2d 371, 374 (3d Cir. 1981) see also, Crawford-El v. Britton, 523 U.S. 574, 588 n. 10, 140 L.Ed. 2d 759, 118 S. Ct. 1584 (1998).

When the BP-8 and Bp-9 disappeared, Ms. Wilson became more conspicuous with her retaliation against me for practicing my rights. For 6 months, I've been harassed by Ms. Wilson, I've been moved 6 times to different cells within the N-2 housing unit. I was moved 3 times in one week. On one occassion, I was told everyday for 3 days, that I would be moving the next day, so my property stayed packed up. It felt as if I was going through diesel theorapy... The right of access to the courts must be freely exercisable by a prisoner without hinderance or fear of retaliation. see, Crawford-El v. Britton (stating that "the reason why... retaliation offends the constitution is that it threatens to inhibit exercise of the protected right.").

On top of this, My father, sister, brother, mother and nephew all sent in visitation forms.... Ms. Jones, whom is my counsel, informed me via mail, that my father was approved back in July 14, 2015, see exhibit G.

In August, 2015, my father along with my nephew rented a car, drove down here and attempted to come see me and was denied entrance, stating that my father was not on my visitation list. When I questioned Ms. Jones the following week, she told me that she approved my father but, "somebody down in the N housing must have taken him off of my visiting list." she went on stating that she don't know what's going on down in the N housings.

I've emailed constantly, A.W. Lanely, the new Warden Sadd... I've talked to the Captain, The AW and the new unit manager Ms. Smith... I should have nevered endured this torment for 7 months. I've requested numerous times for materials (BP-9) so I could start my grievance to the courts on these matters. I have been denied my Constitutional Right. see, Wolff v. McDonnell, 418 U.S. 539, 579, 41 L. Ed. 2d 935, 94 S. Ct. 2963

(1974)..



Petitioner has endured 7 months of abuse of authority, harassment, Petitioner has been retaliated against for exercise of his rights and his rights have been denied by F.B.O.P. staff at FCI Hazelton.... On 9-11-15, petitioner was given one BP-9 to address the foregoing issues.

This action taken against petitioner is dichotomous to BOP policy against harassment and abuse of inmates, as well as contrary to my constitutional rights was taken to punish me; for the exercise of seminal rights. see, Allah v. Seiverling, 229 F.3d 200, 224-25 (3d Cir. 2000) quoting Thaddeus-X v. Blatter, 175 F.3d 378, 386 (6th Cir. 1999).

It is petitioner's belief that when two or more persons conspire to injure, oppress, threaten, or intimidate any person in any state, territory, Commonwealth, possession, or District in the free exercise or enjoyment of any right or privilege secured to him by having so exercised the same they shall be fined under this title or imprisoned not more than ten years or both.

Petitioner contends that he exhausted all remedies available to him. Petitioner petitions to this court to file this lawsuit and ask for the following amount of monies for monetary damages:

Ms. Wilson for harassment/\$50,000, for abuse of authority/\$50,000, for retaliating against petitioner for exercise of seminal rights/ \$50,000, equaling up to \$150,000 dollars.

and

Mr. Mori for interfering with petitioner practising his constitutional rights/\$50,000..

and

A.W. Lanely for allowing petitioner to endure such harsh abuse/ \$50,000

and

\$50,000 for whomever is responsible for erasing petitioner's father off of his visiting list causing his father to waste money on a rental car and driving down here...

and

The F.B.O.P. for condoning this abuse and violation to happen/ \$150,000....

totaling to \$450,000 dollars.....

Petitioner contends that he exhausted all remedies available to hi. This notice shall serve as petitioner's demand pursuant to the federal tort claims act that you are put on notice of my intent to sue and my demand for just, fair, and equitable monetary damages and for each officer's bonds covering their performance and prohibitions of Constitutional Guarantees pursuant to article one of United States Constitution Redress of Grievances...

Petitioner respectfully ask that this honorable court grant this motion.

I, Charles Jordan state that the above statement is true under the penalty of perjury.

dated: 2/3/16